

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

DOMINGO RIBOT RUIZ, JR.

Case No. 18-04122

Chapter 13

Debtor(s)  
\_\_\_\_\_ /

**MOTION TO STRIKE OR, IN THE ALTERNATIVE, RESPONSE TO  
OPPOSITION TO MOTION FOR RECONSIDERATION**

**COMES NOW, DEBTOR(S)**, represented by undersigned counsel, and in support of the instant **RESPONSE** very respectfully **STATES, ALLEGES, and PRAYS** as follows:

1. On March 9, 2020 a non-party in interest in the present case, Noemi Caraballo Lopez, filed an Opposition to the Debtor's Motion for Reconsideration. *See*, Dk. #74. For the reasons set-forth herein, Caraballo's Opposition should be stricken. In the alternative, it should be denied.

2. As conceded in her pleading, Caraballo "denies any relationship with this debtor." *Id.* Indeed, a review of this case Claims Registry, Caraballo did not file a proof of Claim. Moreover, a review of the Debtor's Schedules equally reveals that Caraballo is not listed as a creditor of the Debtor. In shore, Caraballo is unrelated to Case, has not relationship to the Debtor, did not file nor does she assert any claim against the Debtor, and was not scheduled as a creditor by the Debtor. In short, Caraballo has no horse in this race nor any skin in this game.

3. Yet, falsely, Caraballo claims party in interest status, in this case, simply because she was a named defendant - **in an unrelated Adversary Proceeding** - for which the Debtor has not even sought reconsideration. Caraballo was a name defendant in an unrelated adversary

proceeding because Caraballo – a licensed attorney – directed her mechanic’s client to retain the Debtor’s vehicle, post-petition, in order to extort post-petition payments from the Debtor in violation of the automatic stay. While it is understandable that Caraballo would seek refuge from the consequences of her tortious actions; that does not bestow Caraballo with “party-in-interest” status in the present case. Caraballo’s false and self-serving claims must be rejected.

4. As noted, Caraballo lacks party-in-interest status in this case for her to be heard by the Honorable Court. As such, her opposition to the Debtor’s Motion for Reconsideration should be stricken. In the alternative, and for the reasons fully set-forth at Docket #-77, Caraballo’s Opposition should be denied.

**WHEREFORE**, the Debtor respectfully requests that Caraballo’s Opposition be stricken from the record, or in the alternative, that Caraballo’s Opposition be summarily denied.

**CERTIFICATE OF SERVICE:** I hereby certify that on this same date, I electronically filed the above document with the Clerk of the Court using the CM/ECF system, which will send notification, upon information and belief, of such filing to the following: THE UNITED STATES TRUSTEE and to all CM/ECF participants.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico this 17<sup>th</sup> day of April, 2020.

**THE BATISTA LAW GROUP, PSC.**

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